IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C.R.No.1240 of 2004
Date of Decision : December 04, 2006.

Jitender Bhatia and another ..... Petitioners

Vs.

M.D.University, Rohtak and another ..... Respondents

Coram : Hon'ble Mr.Justice P.S.Patwalia

* * *

Present : Mr.Rakesh Nehra, Advocate
for the petitioners.

Mr.R.S.Tacoria, Advocate
for the respondents.

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P.S.Patwalia, J. (Oral) :

On 31.07.2006 I had passed the following order :-

"Learned counsel for the petitioner has pointed out that by now the suit filed by him has been decreed. The University has been directed to declare the result of B.Pharmacy of 3rd year. Learned counsel points out that he has also taken 4th year examination under the orders of this Court in the present revision petition. He further states that there would be no impediment with the University in declaring the result of 4th year.

Mr.Bhupinder Singh, learned counsel appearing for Mr.Ahlawat states that he is appearing today for the very first time as Mr.Ahlawat is unwell and has not been coming to

Court for some time.

Since the matter relates to declaration of result I consider it expedient to issue fresh dasti notice to the University. Let the University now be served for 18.8.2006.

Process dasti only. A copy of this order be also served upon the University along with the notice."

Learned counsel for the petitioners states that his result of B.Pharmacy, Part IV examination has been declared as R/L (lower). Mr.Tacoria, learned counsel appearing for the respondent-University states that this has been done on account of the fact that the petitioners have a re-appear in two subjects of the 3rd year examination out of total of eight subjects.

Learned counsel for the petitioners has drawn my attention to the ordinances governing the B.Pharmacy examination. The relevant extract of the ordinances is as hereunder :-

"For promotion from Part III to Part IV, a student shall be required to clear all the subjects of Part I and Part II examinations OR 50% subjects of each Part I and Part II and Part III examinations OR 2/3 of the subjects of Part I, Part II and Part III taken together.

Provided that a candidate shall not be allowed to attend the next higher class unless he has fulfilled the above requirements."

He submits that the petitioners have already cleared all subjects of Part I and Part II examination. He also fulfills the other alternative requirements and hence his result of 4th year should also be cleared. This would enable him to take any re-appear examination which he may have in

the 4th year as well.

In view of the aforementioned regulations I am of the opinion that the University should be directed to declare the result of 4th year as well within 10 days of receipt of certified copy of this order. Needless to mention that if the petitioners have any re-appear in the 4th year they would be permitted to take the same in terms of the ordinances of the University.

With the aforesaid observations the present revision petition stands disposed of.

December 04, 2006 (P.S.Patwalia)
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